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FROM	:	Oleg F. Kaplun, Esq. of Fay Kaplun & Marcin, LLP
DATE	:	January 29, 2008
SUBJECT	:	U.S. Patent Appln. Serial No. 09/480,883 for *Electronic-Receipts Service* Our Ref.: 40116/05502

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Please see attached.

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Attorney Docket No: 40116/05502 (A-65188-001)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s)	:	Allan et al.
Serial No.	:	09/480,883
Filing Date	:	January 10, 2000
For	:	Electronic-Receipts Service
Group Art Unit	:	3627
Confirmation No.	:	4877
Examiner	:	Luna Champagne

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By: Oleg F. Kaplun, Reg. No. 45,559 Date: January 29, 2008

TRANSMITTAL

In support to the Notice of Appeal filed on November 29, 2007 transmitted herewith please find an Appeal Brief for filing in the above-identified application. Please charge the Credit Card of **Fay Kaplun & Marcin, LLP** in the amount of $510.00 (PTO-Form 2038 is enclosed). The Commissioner is hereby authorized to charge the **Deposit Account of Fay Kaplun & Marcin, LLP NO. 50-1492** for any additional required fees. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: January 29, 2008

By: _____
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Attorney Docket No: 40116/05502 (A-65188-001)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	
Allen et al.	
Serial No.: 09/480,883	Group Art Unit: 3627
Filed: January 10, 2000	Examiner: Luna Champagne
For: ELECTRONIC-RECEIPTS SERVICE	**Board of Patent Appeals and Interferences**
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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

In support of the Notice of Appeal filed on November 29, 2007, and pursuant to 37 C.F.R. § 41.37, Appellants present this appeal brief in the above-captioned application.

This is an appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 38-41 and 45-58 in the Final Office Action dated August 31, 2007 as clarified in the Advisory Action dated November 20, 2007. The appealed claims are set forth in the attached Claims Appendix.

1. Real Party in Interest

This application is assigned to Symbol Technologies, Inc., a subsidiary of Motorola, Inc., the real party in interest.

2. Related Appeals and Interferences

There are no other appeals or interferences which would directly affect, be directly affected, or have a bearing on the instant appeal.

3. Status of the Claims

Claims 38-41 and 45-58 have been rejected in the 08/31/07 Final Office Action. Claims 1-37, 42-44, 59 and 60 have been cancelled. The final rejection of claims 38-41 and 45-58 is being appealed.

4. Status of Amendments

All amendments submitted by Appellants have been entered.

5. Summary of Claimed Subject Matter

The present invention, as recited in independent claim 38, relates to a method comprising the step of receiving a transaction record including an electronically captured signature from a point-of-sale terminal (126). (See Specifications, p. 13, l. 31 - p. 14, l. 6; p. 25, ll. 1-6; Fig. 1). The transaction record corresponds to a customer. (See Id. at p. 14, ll. 22-28; p. 21, ll. 2-4; Fig. 1). The method also comprises the step of storing the transaction record in a transaction database (140). (See Id. at p. 14, ll. 3-6; p. 25, ll. 1-6; Fig. 1). The transaction database (140) includes a plurality of transaction records. (See Id. at p. 14, ll. 17-18; p. 17, ll. 25-28; Fig. 1). The method also comprises the step of providing access by a user computer (190) to the transaction record in the transaction database (140). (See Id. at p. 14, ll. 19-26; Fig. 1). The transaction record is accessible to a plurality of users and the transaction database (140) restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles. (See Id. at p. 21, ll. 12-20; Fig. 1). The access includes initiating an action using the user computer (190), the action including one of correcting

a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction. (See Id. at p. 14, ll. 19-21; p. 21, ll. 21-32; Fig. 1).

The present invention, as recited in independent claim 51, relates to system comprising a point-of-sale terminal (126) that generates a transaction record according to a transaction with a consumer. (See Specifications, p. 12, l. 25 – p. 14, l. 18; p. 14, ll. 22-28; p. 21, ll. 2-4; p. 25, ll. 1-6; Fig. 1). The system also comprises a transaction database (140) accessible by a user computer (190) that receives and stores the transaction record from the point-of-sale terminal (126) over a network. (See Id. at p. 14, ll. 3-6; p. 25, ll. 1-6; Fig. 1). The transaction record is accessible to a plurality of users and the transaction database (140) restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles. (See Id. at p. 21, ll. 12-20; Fig. 1). The access includes initiating an action using the user computer, the action including one of correcting the transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction. (See Id. at p. 14, ll. 19-21; p. 21, ll. 21-32).

6. Grounds of Rejection to be Reviewed on Appeal

I. Whether claims 38-41, 45-50, 52, and 56-59 are unpatentable under 35 U.S.C. § 103(a) over U.S. Pat. No. 5,739,512 to Tognazzini (hereinafter "Tognazzini"), in view of EU 0474 360 A2 to Francini (hereinafter "Francini") and further in view of U.S. Pat. No. 5,915,022 to Robinson et al. (hereinafter "Robinson").

II. Whether claims 51, 53-55, and 60 are unpatentable under 35 U.S.C. § 103(a) over Tognazzini in view of Robinson.

7. Argument

I. The Rejection of Claims 38-41, 45-50, 52, and 56-59 Under 35 U.S.C. § 103(a) Should Be Reversed.

A. The Examiner's Rejection

In the 08/31/07 Final Office Action, the Examiner rejected claims 38-41, 45-50, 52, and 56-59 under 35 U.S.C. § 103(a) as being unpatentable over Tognazzini, in view of Francini, and further in view of Robinson. (See *08/31/07 Office Action*, p. 2, ll. 14-16).

Tognazzini describes a system for processing purchase transactions including a network and a plurality of merchant terminals configured to include a card reader 110 for reading payment information and an e-mail address for sending receipt information. (See Tognazzini, col. 3, ll. 9-15). During a transaction, a customer's payment card is read by the card reader 110 in order to obtain an e-mail address stored therein. (See Id. at col. 6, ll. 16-39). If a smart card is used, the receipt may be stored therein and extracted at a later time. (See Id. at col. 6, ll. 53-65).

Francini describes a system for validating the authenticity of a transaction which includes a terminal located at a point-of-sale for capturing the parameters of the transaction. (See Francini, col. 3, lines 20-24). The system includes a terminal 36 which has a standard electronic cash register 38 and a light pen 44 utilized in conjunction with a CRT display for creating a digitized version of a signature of a cardholder. (See Id. at col. 5, lines 31-50). After the cardholder enters his signature, a hard copy receipt is generated by the register 38. The electronic digital data, which includes the transaction parameters and the signature information, can then be stored at the merchant location or transmitted to a financial institution (an acquirer) associated therewith. (See Id. at col. 6, lines 23-37). A cardholder who later wishes to validate the transaction may contact the acquirer, who retrieves the digital data from an electronic storage 52 and converts it to a human readable format before sending it to the cardholder. (See Id. at col. 6, lines 38-56).

Robinson describes a method of authenticating an electronic transaction by using a transaction record which identifies the electronic transaction to one party, such as a merchant or institution. (See Robinson, col. 2, ll. 43-47). The transaction record is encrypted by a computer controlled by the first party such that the first party may later decrypt it and no other party can alter it. (See Id. at col. 2, ll. 47-50). The encrypted transaction record is not

decryptable by a consumer, since it would compromise the trust of the merchant that the underlying transaction record has not been tampered with. Only the merchant, or someone with the authority of the merchant can decrypt the record. (See Id. at col. 5, ll. 12-24). A digital receipt page is created for the benefit of the consumer, compromising a confirmation message that includes the encrypted transaction record. (See Id. at col. 5, ll. 53-67). If a dispute arises, the consumer may present the digital receipt to the merchant, who decrypts the transaction record in order to verify the transaction by comparing the decrypted record to a stored transaction record in a database. (See Id. at col. 8, ll. 29-67).

B. The Cited Patents Do Not Disclose Or Suggest Wherein The Access Includes Initiating An Action Using The User Computer, The Action Including One Of Correcting A Transaction, Canceling A Portion Of The Transaction, Repeating A Portion Of The Transaction As Part Of A New Transaction, And Modifying A Portion Of The Transaction, As Recited In Claim 1.

The Examiner correctly notes that neither Tognazzini nor Francini, either alone or in combination, disclose or suggest "wherein the access includes an action using the computer, the action including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction," as recited in claim 38. (See *08/31/07 Office Action*, p. 4, l. 17 – p. 5, l. 2). The Examiner attempts to cure the described deficiencies of Tognazzini and Francini with Robinson. However, it is respectfully submitted that Robinson fails to either teach or suggest the limitations of claim 38.

First, according to the Examiner, Robinson teaches allowing a customer to place or cancel an order. (See *08/31/07 Office Action*, p. 5, ll. 12-16). As described by Robinson, an order page is transmitted from a merchant computer to the customer's computer in response to an indication that the customer wishes to place an order. (See Robinson, col. 3, ll. 50-59). After receiving order information, the merchant computer may request order confirmation by allowing the customer to choose between placing the order or canceling the order. (See Id. at col. 3, l. 60 – col. 4, l. 3). However, this teaching of Robinson is unrelated to accessing a transaction record. As recited in claim 38, it is the "access [to the transaction record] includes initiating an action using the user computer." This is distinguished from Robinson, which only teaches a general

purchase transaction that has no relevance whatsoever to accessing existing transaction records. Robinson clearly states that the transaction record is created in a step following the confirmation of the order as previously described. (See Id. at col. 4, l. 25). Thus, the placing and the canceling of the order cannot be part of an accessing of a transaction record. Rather, the placing and canceling must always occur prior to the creation and subsequent access of a transaction record.

Second, as indicated by the Examiner, the transaction record, according to Robinson, can be decryptable *only* by the merchant, or someone with authority of the merchant. (See *08/31/07 Office Action*, p. 5, ll. 8-10; See Robinson, col. 5, ll. 17-20). Accordingly, the encryption of Robinson, in effect, prevents access for the customers into the transaction record. As disclosed in Robinson, "the encryption of step 115 is used primarily for the purpose of verification *by the merchant*." (See Id. at col. 5, ll. 12-14). Further, placing an order is *an offer* to enter into a transaction with another. Canceling an order is a withdrawal of *the offer* to enter into a transaction with another. Neither of these actions equate to correcting, modifying, or canceling *a transaction record*. As disclosed in Robinson, and as initially argued by the Examiner, "the merchant uses its own secret/public-key cryptographic system so that no other party may re-encrypt *an altered version* of the transaction record." (See *08/31/07 Office Action*, p. 5, ll. 3-6; See Robinson, col. 5, ll. 25-52). Thus, not only is the customer, according to Robinson, denied access to the transaction record, the customer is denied the ability to *alter* the transaction record.

Thus, it is respectfully submitted that Tognazzini, Francini, and Robinson, either alone or in any combination, do not disclose or suggest "wherein the access includes an action using the computer, the action including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction," as recited in claim 38. Further, it is respectfully submitted that Tognazzini, Francini, and Robinson, either alone or in any combination, do not disclose or suggest "wherein the access includes initiating an action using the user computer, the action including one of correcting the transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction," as recited in claim 51. Because claims 39-41, 45-50, 52, and 56-59 depend from

and, therefore, include all the limitations of allowable claims, it is respectfully submitted that these claims are allowable.

C. The Cited Patents Do Not Disclose Or Suggest Wherein The Transaction Record Is Accessible To A Plurality Of Users And The Transaction Database Restricts Access By A User To The Transaction Records Corresponding To a Role Defined For The User, At Least Two Of the Users Having Different Roles, As Recited In Claim 1.

The Examiner correctly notes that neither Tognazzini nor Francini, either alone or in combination, disclose or suggest "wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles," as recited in claim 38. (See *08/31/07 Office Action*, p. 4, ll. 17-20). The Examiner attempts to cure the described deficiencies of Tognazzini and Francini with Robinson. In addressing this recitation, the Examiner states that "restricting the access to corresponding role by defined user, at least two of the users having different roles" is disclosed by the fact that the merchant, according to Robinson, uses its own secret/public-key cryptographic system so that no other party may re-encrypt an altered version of the transaction record. (See *08/31/07 Office Action*, p. 5, ll. 3-6; See Robinson, col. 5, ll. 25-52). However, it is unclear as to exactly where the Examiner finds support for the assertion that Robinson provides access to a ***plurality of users*** having different roles and restricts access by one of then users corresponding to a role defined for that user.

At first, it appears that the Examiner is equating, or at least including, the term "customer" of Robinson with the phrase "plurality of users" of claim 38, since the Examiner points to the fact that Robinson encrypts altered versions of the transaction record to prevent the customer from re-encrypting the record. As indicated by the Examiner, the transaction record, according to Robinson, can be decryptable *only* by the merchant, or someone with authority of the merchant. (See *08/31/07 Office Action*, p. 5, ll. 8-10; See Robinson, col. 5, ll. 17-20). Accordingly, the encryption of Robinson, in effect, prevents access for the customers into the transaction record. As disclosed in Robinson, "the encryption of step 115 is used primarily for the purpose of verification *by the merchant*." (See Id. at col. 5, ll. 12-14). Therefore, the customers according to Robinson are prevented from accessing the transaction record, and thus,

the customers cannot be included in the phrase "plurality of users" having access to the transaction record.

It then appears that the Examiner is equating, or at least including, the term "service provider" of Robinson with the phrase "plurality of users" of claim 38. Specifically, the Examiner asserts that it is "inherent" that the merchant and the service provider, as multiple users, will have access to the transaction records. (See *08/31/07 Office Action*, p. 9, ll. 13-17; See Robinson, col. 7, ll. 39-43). While Robinson states that the service provider may operate in close cooperation with and under the authority of the merchant, there is no mention whatsoever that the service provider is restricted by a transaction database from access "to the transaction records corresponding to a role defined for the user [in this instance, the service provider]," as recited in claim 38. In concluding the Examiner's assertion that the service provider is included with the plurality of users, the Examiner simply reverts to the statement that "the merchant's secret key is a means for restricting access to the transaction records." (See *08/31/07 Office Action*, p. 9, ll. 17-18). However, it has already been established, as previously argued by the Examiner, that the secret key ***prevents*** access to the transaction record. It is unclear how the Examiner initially asserts that it is inherent that the service provider will have access to the transaction records and then states that the secret key will restrict access to the transaction record. Thus, the Examiner has failed to indicate, in both the 08/31/07 Office Action and the 11/20/07 Advisory Action, where within the Robinson disclosure provides access to the service provider and the merchant, having different roles, and restricts access by one of the users corresponding to a role defined for that user.

Accordingly, Robinson fails to teach or suggest, "providing access by a user computer to the transaction record in the transaction database, wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles," as recited in claim 38. Further, Tognazzini, Francini, and Robinson, either alone or in any combination, does not disclose or suggest this recitation of claim 38. It is also respectfully submitted that Tognazzini, Francini, and Robinson, either alone or in any combination, do not disclose or suggest "wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles," as

recited in claim 51 for at least the same reasons stated above in reference to claim 38. Thus, it is therefore respectfully submitted that claims 38 and 51 are allowable for these further reasons. Because claims 39-41, 45-50, 52, and 56-59 depend from and, therefore, include all the limitations of claims 38 and 51, it is respectfully submitted that these claims are also allowable.

II. The Rejection of Claims 51, 53-55, and 60 Under 35 U.S.C. § 103(a) Over Tognazzini in view of Robinson Should Be Reversed.

A. The Examiner's Rejection

In the 08/31/07 Final Office Action, the Examiner rejected claims 51, 53-55, and 60 under 35 U.S.C. § 103(a) as being unpatentable over Tognazzini in view of Robinson. (See *08/31/07 Office Action*, p. 6, ll. 11-12). Tognazzini and Robinson were discussed above.

B. The Cited Patents Do Not Disclose Or Suggest Wherein the Transaction Record Is Accessible To A Plurality Of Users And The Transaction Database Restricts Access By A User To The Transaction Records Corresponding To A Role Defined For The User, At least Two Of The Users Having Different Roles, And Wherein The Access Includes Initiating An Action Using The User Computer, The Action Including One Of Correcting A Transaction, Canceling A Portion Of The Transaction, Repeating A Portion Of The Transaction As Part Of A New Transaction, And Modifying A Portion Of The Transaction, As Recited In Claim 1.

As discussed above, Tognazzini and Robinson, either alone or in combination, do not disclose or suggest "wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles, and wherein the access includes initiating an action using the user computer, the action including one of correcting the transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction," as recited in claim 51. Because claims 53-55 and 60 depend from and, therefore, include all the limitations of claim 51, it is respectfully submitted that these claims are allowable.

8. Conclusion

For the reasons set forth above, Appellants respectfully request that the Board reverse the rejection of the claims by the Examiner under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), and indicate that claims 1-10 and 23-32 are allowable.

Respectfully submitted,

Date: January 29, 2008

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CLAIMS APPENDIX

Claims 1-37. (Cancelled)

38. (Previously Presented) A method, comprising the steps of:

receiving a transaction record including an electronically captured signature from a point-of-sale terminal, the transaction record corresponding to a consumer;

storing the transaction record in a transaction database, the transaction database including a plurality of transaction records; and

providing access by a user computer to the transaction record in the transaction database, wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the users having different roles, and wherein the access includes initiating an action using the user computer, the action including one of correcting a transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction.

39. (Previously Presented) A method according to claim 38, further comprising the step of:

allowing the user to search the transaction database for the transaction records.

40. (Previously Presented) A method according to claim 38, further comprising the step of:

providing an image of the transaction record to the user.

41. (Previously Presented) A method according to claim 38, further comprising the step of:

forwarding a copy of the transaction record to a merchant involved in the transaction.

42. (Cancelled)

43. (Cancelled)

44. (Cancelled)

45. (Previously Presented) A method according to claim 38, wherein the role is one of the consumer, a merchant and an administrator.

46. (Previously Presented) A method according to claim 45, wherein the role of the consumer includes access to the transaction database that is restricted to viewing the transaction records relevant only to the consumer.

47. (Previously Presented) A method according to claim 45, wherein the role of the merchant includes access to the transaction database that is restricted to viewing the transaction records relevant to the plurality of users, including the consumer.

48. (Previously Presented) A method according to claim 45, wherein the role of the administrator includes access to the transaction database that is restricted to manipulating a structure of the transaction database, including overseeing an activity of the merchant

49. (Previously Presented) A method according to claim 38, further comprising the step of:

sending the transaction record via electronic mail to the user based on a request made by the user, wherein the request is made after the providing step.

50. (Previously Presented) A method according to claim 38, further comprising the step of:

compiling the transaction records relevant to the user into a bill, wherein the bill is a summary of the transaction records.

51. (Previously Presented) A system comprising:

a point-of-sale terminal that generates a transaction record according to a transaction with a consumer; and

a transaction database accessible by a user computer that receives and stores the transaction record from the point-of-sale terminal over a network, wherein the transaction record is accessible to a plurality of users and the transaction database restricts access by a user to the transaction records corresponding to a role defined for the user, at least two of the

users having different roles, and wherein the access includes initiating an action using the user computer, the action including one of correcting the transaction, canceling a portion of the transaction, repeating a portion of the transaction as part of a new transaction, and modifying a portion of the transaction.

52. (Previously Presented) A system according to claim 51, wherein the point-of-sale terminal is one of an electronic signature capture device, a card reader, a check reader, a scanner, a printer and a biometric reader.

53. (Previously Presented) A system according to claim 51, wherein the transaction record includes at least one of a price, a product, a service, a payment method and an electronically-captured signature.

54. (Previously Presented) A system according to claim 51, wherein the transaction database stores a plurality of transaction records associated with a plurality of users.

55. (Previously Presented) A system according to claim 51, wherein the transaction database allows the user to search the transaction records relevant to the user.

56. (Previously Presented) A system according to claim 51, wherein the transaction database transmits information to the point-of-sale terminal for display at the point-of-sale terminal.

57. (Previously Presented) A system according to claim 56, wherein the information is one of a coupon, a discount, the transaction record, a product recommendation and a survey.

58. (Previously Presented) A system according to claim 51, wherein the role is one of the consumer, a merchant and an administrator.

59. (Cancelled)

60. (Cancelled)

EVIDENCE APPENDIX

No evidence has been entered or relied upon in the present appeal.

RELATED PROCEEDING APPENDIX

No decisions have been rendered regarding the present appeal or any proceedings related thereto.